IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 30364 of 2004(M)

PETITIONER:

R.SABASH MARY,
REVENUE INSPECTOR, OFFICE OF THE INSPECTING ASST.,
COMMISSIONER (COMMERCIAL TAX), KAKKANAD, KOCHI.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS:

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1. PRINCIPAL SECRETARY,
REVENUE (T) DEPARTMENT, GOVT. OF KERALA,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. COMMISSIONER,
LAND REVENUE, GOVT. OF KERALA, THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR, ERNAKULAM.

4. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVT.,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI. K.V. MANOJ KUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF ORDER DT. 22.7.1996 & 17.09.1996 ISSUED BY THE 3RD RESPONDENT ALLOWING CATEGORY CHANGE TO THE PETITIONER.

EXT.P2: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER ON 15.02.2000 BEFORE THE COMMISSIONER, LAND REVENUE.

EXT.P3: TRUE COPY OF THE LETTER DATED 10.12.2002 ISSUED BY THE 1ST RESPONDENT.

EXT.P4: TRUE COPY OF ORDER DT. 24.06.2004 ISSUED BY THE DIST. COLLECTOR TO THE PETITIONER.

EXT.P5: TRUE COPY OF COMMUNICATION DT. 29.7.2004 ISSUED BY THE TAHSILDAR, KUNNATHUNADU TO THE PETITIONER.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 30364 OF 2004

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Dated this the 11th day of July, 2007.

JUDGMENT

The writ petition is filed with the following prayers:

i. issue a writ of certiorari or any other appropriate writ, order or direction quashing Exhibits P4 and P5.

ii. issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to give protection to petitioner's pay revised from March 1997 and give benefit of fixation of the pay which the junior to the petitioner is receiving.

2. There is no counter affidavit. Along with I.A. No. 9538/2007, the petitioner has produced a copy of the proceedings of the District Collector dated 04.08.1999 whereby the petitioner was sanctioned senior grade in the category of typist for the period from 01.04.1996 to 30.09.1996. The disputed fixation is made properly in the regular channel of promotion as senior grade typist. The impugned orders are passed apparently without taking note of this order. I quash Exts.P4 and P5.

The writ petition is allowed as above.

KURIAN JOSEPH, JUDGE.

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